

May 19, 2005

Office Of The General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

MUR #

5664

2005 JUN 13 A 11:10

Complainant:

Gerald L. McMillian

Proctorville, OH 45669

As an employee of International Union of Painters and Allied Trades District Council 53, located at 115 Spring Street Charleston, West Virginia 25302 I was receiving my directives and assignments from Business Manager/Secretary Treasurer, Clarence E. Mitchell, Sr. Our district council was very involved in the John Kerry presidential campaign. As part of my weekly activities I was required to file a weekly report to Mr. Mitchell on the activities that I performed during the course of the week. We have a set of written district council Work Rules and Disciplinary Policy for district council 53, work rule number 3 is weekly reports,

3. Weekly reporting forms shall be provided to the district council 53 Business Manager/Secretary Treasurer by each Business Representative or Organizer no later than Wednesday following the final business of the previous Friday.

3A. Penalty for not submitting weekly reports on time,

- a. 1st offense shall warrant a letter of reprimand
- b. 2nd offense shall warrant one (1) week off without pay
- c. 3rd offense shall warrant thirty (30) days off without pay
- d. 4th offense shall warrant termination of employment

4. Directives and Assignments from Business Manager/Secretary Treasurer or from his Assistant Business Manager/Secretary Treasurer.

- a. 1st offense shall warrant a letter of reprimand
- b. 2nd offense shall warrant one (1) week off without pay
- c. 3rd offense shall warrant thirty (30) days off without pay
- d. 4th offense shall warrant termination of employment

As far back as March 2004 We at district council 53 became very involved in the state, local and presidential campaigns. Myself as one of the representatives of district

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council 53 was instructed by Business Manager/Secretary Treasurer, Clarence E. Mitchell that if there was any events within reasonable driving distance concerning the Kerry and Edwards campaign or any anti Bush Rally that I was instructed to get as many members as the union car would hold and put them in our black and gold tee shirts which endorsed Kerry and attend these events. Mr. Mitchell instructed myself and the other representatives of district council 53 "Do not put on your weekly reports that you attended a political rally for Kerry or any anti Bush rallies" we were instructed to put on our reports that we were educating our membership. I confronted Mr. Mitchell about filing false union documents concerning our activities. Mr. Mitchell stated that if our reports had any political activities listed on the weekly reports that they would be rejected and returned to me. We were also instructed not to document anything more than 40 hours on our weekly report. During the final phase of the presidential election I was given a list of political activities in my area which I was required to attend and participate in. I have documentation which shows that I worked in excess of 60 hours and was paid for 40 hours. During the majority of these events that I attended for presidential candidate John Kerry was within my normal office hours. I traveled to and from these events in the union owed vehicle and used the union gas credit card. My hourly wage and benefit package is approximately _____ per hour. During some of these events there were as many as 8 full time staff employees present at these rallies. Also at these rallies were full time employees ordered to be there from our district council 53 Joint Apprenticeship Training Committee. (Training Department no where in our apprenticeship standards is language which allows are trainers and staff of the district council 53 JATC to participate in political activities). In some of the areas which I feel we violated the Federal Election Commission rules and regulations:

1. We were required to do precinct walks during the evenings and weekends.
2. We were required to assist in mass mailings in support of John Kerry. Folding brochures, stuffing envelopes, attaching address labels and attaching postage stamps to approximately 1, 400 union members.
3. I was order to report to district council 53 office and paint 100 4 by 8 signs in support of West Virginia Supreme Court McGraw.

It is my opinion that if the other representatives for district council 53 carried out there instructions as directed by Business Manager/Secretary Treasurer, Mr. Mitchell that are unofficial contributions to the Kerry Campaign would easily exceed \$10,000.00 dollars via the paid man hours, vehicle mileage and charges for vehicle fuel. I hope this letter meets the criteria of a proper complaint and that this subject is considered and approved for MUR. Matter under review. I have a long list of what I think is FEC violations that I would like to discuss with a representative from the FEC. I have received telephone calls from other staff representatives encouraging myself to pursue an investigation into the above mentioned matter.

Sincerely,



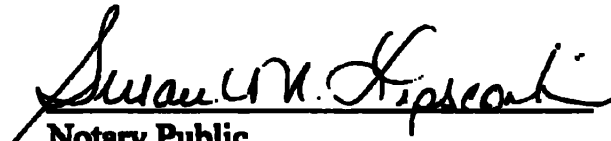
Gerald L. McMillian

Proctorville, OH 45669

Taken, subscribed and sworn to before me, the undersigned notary, this 6th day of June, 2005.

My commission expires: 27 January 2013.




Notary Public

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